



**Fox Rothschild** LLP  
ATTORNEYS AT LAW

Mail: P. O. Box 5231, Princeton, NJ 08543-5231  
Princeton Pike Corporate Center  
997 Lenox Drive  
Lawrenceville, NJ 08648-2311  
Tel (609) 896-3600 Fax (609) 896-1469  
www.foxrothschild.com

CORINNE MCCANN TRAINOR  
Direct No: 609.844.3038  
Email: CTrainor@FoxRothschild.com

May 17, 2021

**VIA ECF**

Honorable Madeline Cox Arleo, U.S.D.J.  
United States District Court  
Martin Luther King, Jr. Federal Building &  
U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07102

Honorable Jessica S. Allen, U.S.M.J.  
United States District Court  
Martin Luther King, Jr. Federal Building &  
U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07102

**Re: Pacira BioSciences, Inc. v. American Society of Anesthesiologists, Inc., et al.**  
**Case No. 21-cv-9264-MCA-JSA**

Dear Judge Arleo and Judge Allen:

This firm represents the defendants Michael K. Essandoh, Nasir Hussain, Brendan Sheehy, David L. Stahl, and Tristan E. Weaver (the “Ohio State Defendants”). Although we write to ensure that our position is preserved, we expressly do so without prejudice and with reservation of all rights and defenses to which the Ohio State Defendants are entitled.

We write to join in the objections expressed in the letter filed by Kevin H. Marino, Esq. [ECF No. 45] to the May 14, 2021 letter from Kevin M. McDonough, Esq. [ECF No. 44], in which Mr. McDonough asks the Court for direction concerning the parameters of L. Civ. R. 5.3. It appears that in particular, Mr. McDonough questions the applicability of the Rule to Plaintiff’s withdrawn preliminary injunction motion. We echo Mr. Marino’s recitation of the Local Rule, which specifically addresses circumstances such as these. Because the procedure is clear, Plaintiff cannot and should not be excused from L. Civ. R. 5.3(c)(2)(iii) (requiring the proponent of a sealing order to file a motion to seal within 14 days from the date on which “. . .the motion . . . is resolved or otherwise terminated. . .”). We will incorporate the Ohio State Defendants’ objections

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May 17, 2021

Page 2

to Plaintiff's proposed sealed information in the index that will accompany the motion as required by L. Civ. R. 5.3(c)(3) and App'x U.

Thank you for your continued attention to this matter.

Respectfully submitted,

*/s/ Corinne McCann Trainor*

Corinne McCann Trainor

CMT:

cc: Counsel of Record (*via* ECF)